

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICAH DAVIS, :
Plaintiff, :
v. :
: CIVIL ACTION NO. 18-CV-3243
:

FORTUNATO N. PERRI, JR., **FILED**
Defendant.

AUG 31 2018

KATE BARKMAN, Clerk
By ✓ **ORDER**

AND NOW, this 31 day of August, 2018, upon consideration of Plaintiff Micah Davis's Motion to Proceed *In Forma Pauperis*, his Prisoner Trust Fund Account (ECF No. 5) and his *pro se* Complaint (ECF No. 2), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED**.
2. Plaintiff Micah Davis, #75444-066, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by Davis, an initial partial filing fee of \$35.50 is assessed. The Warden or other appropriate official at the Federal Detention Center in Philadelphia or at any other prison at which Davis may be incarcerated is directed to deduct \$35.50 from Davis's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 18-3243. In each succeeding month when the amount in Davis's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Davis's inmate trust fund account until the fees are paid. Each payment shall reference the docket number for this case, Civil Action No. 18-3243.

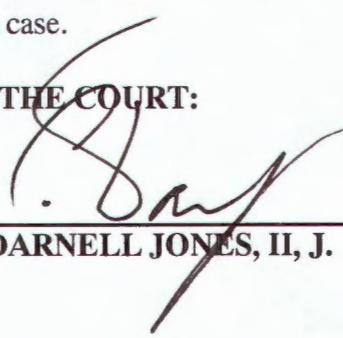
3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Warden of the Federal Detention Center.

4. The Complaint is **DEEMED** filed.

5. The Complaint is **DISMISSED without prejudice** for lack of subject matter jurisdiction. Davis may not file an amended complaint in this case. However, the dismissal of this case is without prejudice to Davis refiling this case in the appropriate state court.

6. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:


C. DARNELL JONES, II, J.